

## Strategy – Compliance Dismissals – Provide for Recovery of Court Costs Associated with Dismissing Minor Traffic Violations

### General Description

Traffic violations that are ultimately dismissed are a drain on the court system that results in significant time by the District Attorney's staff and costs that are not recovered through the current legislative process. Although some traffic infractions, such as failure to have vehicles registered or inspected and failure to maintain insurance, are properly adjudicated to ensure compliance, many other minor traffic violations are not adjudicated as charged due to compliance dismissals. Presently, with the current caseloads in the court systems, both prosecutors and judges are reluctant and some even very adamant about **NOT** trying certain types of minor traffic citations. In some cases, the prosecuting attorney will dismiss the charge resulting in no charges being filed and no costs being recovered through fines or court costs. As a result, over the past number of years, the public has been given the perception that many traffic violations do not need to be taken very seriously and that, in some cases, the charges may be dismissed if they appear in court. Therefore, the consequences of some minor traffic charges are minimal on both a personal and broader level.

Unfortunately, motorists do not seem to be generally worried about getting for caught some minor traffic violations, because they have a high level of confidence that if they are cited, the consequences and costs of being ultimately charged are minimal to non-existent. If they go to court, the charges may be dropped and then there is essentially no consequence to the individual. We need to take the steps necessary to change the present public perception about this issue in order to maximize the most benefit. At the same time, we need to continue to provide the judges and prosecutors the flexibility to dismiss certain charges. An excellent method by which to accomplish this is to ensure that the costs associated with these cases are recovered, even when the charges are dismissed. Legislation is needed to provide that both court costs and fines associated with charges for these minor traffic violations are still assessed when cases are dismissed.

This system or "The Recovery of Costs for Compliance Dismissals' Act", would 1) Continue the process of dismissing minor traffic citations as an administrative one, thus having minimal impact on the courts, 2) Would provide for the recovery of costs associated with these violations and 3) By requiring violators to pay costs would help to discourage this behavior.

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### ***Technical Attributes***

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Target	The target of this strategy is all drivers on all roadways in North Carolina and would include both passenger and commercial motor vehicles.
Expected Effectiveness	<ul style="list-style-type: none"><li>• A change in public perception as to the consequences and penalties associated with minor traffic violations in North Carolina.</li><li>• Eventually, fewer people cited with traffic violations coming to court, thus freeing time on court dockets (they know the costs will still be assessed)</li></ul>
Keys to Success	<ul style="list-style-type: none"><li>▪ Education of legislators as to the severity of the problem.</li><li>▪ Minimizing or even reducing the impact of adjudicating traffic citations on the courts and judges.</li><li>▪ Legislative support.</li></ul>

Potential Difficulties	<ul style="list-style-type: none"> <li>▪ Support of the courts and judges.</li> <li>▪ Support of State and County Boards of Education.</li> <li>▪ Support from the Insurance Industry.</li> <li>▪ Strong legislation with no “loop holes” for attorneys to exploit.</li> <li>▪ Public education/awareness campaign.</li> </ul>
Associated Needs	<ul style="list-style-type: none"> <li>• Getting appropriate legislation approved.</li> <li>• Legal concerns about assessing costs when charges are dismissed, i.e. no violation.</li> <li>• Legislative “buy in” and support.</li> <li>• Cooperation of state and local law enforcement agencies.</li> <li>• Cooperation of the judicial system in processing these types of violations.</li> <li>• Possibly paid and earned media for the public education component.</li> </ul>
Organizational, Institutional, and Policy Issues	A change in the way these types of citations/violations are processed within the courts will be needed.
Issues Affecting Implementation Time	Approval of the appropriate legislation.
Costs	Cost would be minimal.
Training	There is little to no training that will be required for this program.
Legislative Needs	Appropriate legislation establishing the above described process for recovering costs associated with minor traffic violations that are dismissed